ORIGINAL

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Attorney for Plaintiff

FILED
2008 JUL 29 PM 3:33
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: _______ DEPUTY

'08 CV 1371 JLS JMA

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JOHNAKIN C. RANDOLPH, a minor, through his guardian ad litem JOHNAKIN RANDOLPH, Jr., Plaintiff, v. GROSSMONT UNION HIGH SCHOOL DISTRICT, a public entity, WILLIAM ZAHORIK, and JANINE ZAHORIK, individuals, Defendants.	Case No. COMPLAINT FOR DAMAGES; JURY TRIAL DEMAND

FIRST CLAIM
(Violation of statutory duties under federal law against Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT)

1. Plaintiff JOHNAKIN C. RANDOLPH, is a resident of San Diego County , CA and is a minor. He brings this action through his father, and guardian ad litem, JOHNAKIN RANDOLPH, Jr. Plaintiff is, and was at all times herein mentioned, African-American. Plaintiff is, and was at all times herein mentioned, a student at the West Hills High School which is located in San Diego County, CA.

2. Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT is, and was at all times herein mentioned, a school district organized under the laws of the State of California, a public entity and a part of the State of California , and a business establishment within the meaning of California Civil Code §51.5. Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT

may be sued in its name pursuant to California Education Code §35162. At all times herein mentioned Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT operated the West Hills High School. At all times herein mentioned a special relationship existed between Plaintiff and Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT arising out of the fact that Plaintiff was required to, and did, attend a school operated by Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT pursuant to California Education Code §48200.

3. At all times herein mentioned, and at present, Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT was receiving, and receives, federal financial assistance pursuant to 42 U.SC. §2000 et seq. (aka "Title VI of the Civil Rights Act of 1964").

4. This court has federal question jurisdiction over the First Claim in this matter pursuant to 28 U.S.C. §1331 because Plaintiff claims Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT violated federal law, 42 U.S.C. §2000d et seq., and because this Defendant waived its immunity concerning such claims pursuant to 42 U.S.C. §2000d-7.

5. Venue is proper in this district because the events which form the bases of the claims occurred in San Diego County, CA.

6. Defendant WILLIAM ZAHORIK is, and at all times herein mentioned was, a minor and caucasion. Plaintiff is informed and believes, and thereon alleges, Defendant WILLIAM ZAHORIK is a resident of San Diego County, CA.

7. Defendant JANINE ZAHORIK is, and at all times herein mentioned was, the mother of Defendant WILLIAM ZAHORIK and had custody of Defendant WILLIAM ZAHORIK. Plaintiff is informed and believes, and thereon alleges, she is a resident of San Diego County, CA.

8. On October 2, 2007 during the school day and on the school grounds of West Hills High School in San Diego County, CA Defendant WILLIAM ZAHORIK harassed and battered Plaintiff because of Plaintiff's race. Both Plaintiff and Defendant WILLIAM ZAHORIK were attending the West Hills High School as students when this conduct occurred. Defendant WILLIAM ZAHORIK beat Plaintiff about the head and face and made racial remarks against Plaintiff while attacking him. As a result of his conduct toward Plaintiff on October 2, 2007 Defendant WILLIAM ZAHORIK was charged with a felony, violation of California Penal Code

§243(d) and he pled guilty to that offense. On January 28, 2008 a judgment in California State juvenile court was entered against Defendant WILLIAM ZAHORIK on that charge.

9. On October 2, 2007, and before October 2, 2007, Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT and its agents and employees, all of whom acted within the course and scope of their employment and agency, intentionally operated West Hills High School in a manner which permitted racial discrimination by students against other students to occur. Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT thereby interfered with the right of Plaintiff to enjoy accommodations, advantages, facilities, privileges and services of that school equal to those afforded students of non-African-American races who attended West Hills High School. In particular, Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT knew, or should have known of numerous incidents, of racial violence against and racial intimidation of African-American students committed by Defendant WILLIAM ZAHORIK and other students which occurred at West Hills High School before October 2, 2007. Before October 2, 2007, and on October 2, 2007, Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT permitted students who were members of groups which were known to be racist to attend the West Hills High School and to engage in racist practices at the West Hills High School. These practices included the students wearing clothing and colors to West Hills High School which associated them as members of groups which were racist and which was intimidating and harassing to Plaintiff and other students. On October 2, 2007, and for some time before that date, Defendant WILLIAM ZAHORIK was known by the Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT to be associated with a group which engaged in racist practices. On October 2, 2007 Defendant WILLIAM ZAHORIK was wearing gang related clothing associated with a group which espoused racial violence against African-Americans. In particular on October 2, 2007, Defendant WILLIAM ZAHORIK had on a shirt which depicted the number of the California Penal Code statute for murder ("187") and two handguns, a was wearing a belt buckle with brass knuckles. On that same day Defendant WILLIAM ZAHORIK was carrying a notebook containing on its front the letters identifying a known white supremacist gang in the area. Despite mandatory regulations which prohibiting the wearing of such gang-related clothing and the carrying of gang

emblems at the West Hills High School, including California Education Code §35183 as well as Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT'S and West Hills High School's own internal mandatory regulations. Defendant WILLIAM ZAHORIK was allowed to remain on the West Hills High School grounds for over three school periods before Defendant WILLIAM ZAHORIK then intimidated and battered Plaintiff and thereafter battered another African-American student at that same location because their race.

Plaintiff is informed and believes, and thereon alleges, for a substantial amount of time before October 2, 2007 officials employed by Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT knew acts of racial intimidation and racial violence were occurring between students at the school and deliberately covered up the frequency of those events by not reporting them as hate crimes as required under California law but simply reporting them as fights and not as raced based hate violence. Before October 2, 2007 Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT had a history of serious student-on-student violence including incidents where several students were killed by other students on school grounds. Despite its prior knowledge concerning Defendant WILLIAM ZAHORIK, Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT did not remove Defendant WILLIAM ZAHORIK from the West Hills High School where he posed a danger to African-American students such as Plaintiff and did not otherwise protect Plaintiff from him. As of October 2, 2007 Defendant WILLIAM ZAHORIK's prior conduct at school, which included fighting and carrying a knife to school as well as repeatedly wearing prohibited clothing, was grounds for suspension or expulsion but the Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT neither suspended nor expelled him before that date.

On October 2, 2007 the area of the West Hills High School grounds where Plaintiff was battered by Defendant WILLIAM ZAHORIK was monitored by security video cameras which recorded the battery of Plaintiff. No school official, or employee, or agent, including the persons responsible for monitoring the video security cameras came to Plaintiff's aid either during the battery or for some time after its occurrence. No school official, or employee, or agent took any action to control the conduct of Defendant WILLIAM ZAHORIK after monitoring it on videotape and Defendant WILLIAM ZAHORIK then proceeded to assault another African-American student at the West Hills High School the same day. Plaintiff, after being beaten, had to make his way to the school nurse's office without any assistance from school officials. Plaintiff was left lying in the nurse's office bleeding with loose teeth for about a half hour before an ambulance was called by school officials. School officials sent Plaintiff to a hospital which was not the one which had been designated by Plaintiff's parents but was chosen by school officials. Plaintiff's parents, who are also African-American, were not immediately notified that Plaintiff had been injured, as was the school's policy, but instead were not notified until about an hour after the incident simply because they were African-American and that was when an African-American school official arrived at West Hills High School.

10. The conduct of Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT alleged herein legally caused Plaintiff to suffer harm including physical injury to his face and mouth, to incur medical expenses, and to suffer severe emotional distress including a post-traumatic stress disorder all to his damage in an amount to be proved. Plaintiff is informed and believes, and thereon alleges, he will continue to incur medical expenses in the future and suffer emotional distress as a result of the Defendant's conduct all to his damage in an amount to be proved. The conduct of Defendant GROSSMONT UNION SCHOOL DISTRICT alleged herein legally caused Plaintiff to be deprived of his civil rights under 42 U.S.C. §2000d and will continue to deprive him of those rights in the future since he remains in West Hills High School at this time and the school has done nothing to change its conduct toward Plaintiff other than to move Defendant WILLIAM ZAHORIK out of the school as a result of his arrest and conviction.

11. Plaintiff has incurred and will continue to incur attorney's fees and expenses which he claims against Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT which Plaintiff claims pursuant to 42 U.S.C. §1988 (b) in an amount to be proved.

SECOND CLAIM

(Violation of California Civil Code §51 (b) against Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT)

12. Plaintiff incorporates herein by this reference paragraphs 1,2, 5, 6, 8 and 9 of this complaint.

13. This court has supplemental jurisdiction over this claim in that it is based on state law and arises out of the same set of circumstances set forth in the first claim.

14. Plaintiff filed the required administrative claim with the Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT concerning the conduct which is the subject of this claim within the required time limits and before filing this action. The administrative claim was officially denied on February 13, 2008. Plaintiff has brought his action within six months of that denial.

15. The conduct of Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT alleged herein legally caused Plaintiff to be deprived of his rights under California Civil Code §51 (b) and California Education Code §200 to not be discriminated against on the basis of his race and to suffer harm including physical injury to his face and mouth and severe emotional distress including a post-traumatic stress disorder and has legally caused Plaintiff to incur medical expenses all to his damage in an amount to be proved. Plaintiff is informed and believes, and thereon alleges, he will continue to incur medical expenses in the future and suffer emotional distress as a legal result of the Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT's conduct all to his damage in an amount to be proved.

Pursuant to California Civil Code §52(a), Plaintiff also claims up to three times the actual damages be assessed against Defendant GROSSMONT UNION SCHOOL DISTRICT.

16. Plaintiff has incurred, and will continue to incur, attorney's fees and expenses which he claims against Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT pursuant to California Civil Code §52 (a) in an amount to be proved.

THIRD CLAIM
(Negligence Against Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT)

17. Plaintiff incorporates herein by reference paragraphs 1,2, 5, 6, 8, 13 and 14 of this complaint.

18. On October 2, 2007 employees of the West Hills High School and had a mandatory duty to supervise the conduct of Defendant WILLIAM ZAHORIK pursuant to Education Code §44807 and California Civil Code §1714 Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT had a duty to supervise the conduct of Defendant WILLIAM ZAHORIK while he was

attending the West Hills High School and negligently failed to perform this duty.

On October 2, 2007, Defendant WILLIAM ZAHORIK was wearing gang related clothing which signified his membership in a violent group and which clothing was in violation of the mandatory regulations of Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT which regulations were negligently not enforced by Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT and which regulations if they had been enforced would have resulted in WILLIAM ZAHORIK being sent home from school before he battered the Plaintiff.

19. The conduct of Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT alleged herein legally caused Plaintiff to suffer harm including physical injury to his face and mouth, to incur medical expenses, and to suffer severe emotional distress including a post-traumatic stress disorder all to his damage in an amount to be proved. Plaintiff is informed and believes, and thereon alleges, he will continue to incur medical expenses in the future and suffer emotional distress as a result of the Defendant's conduct all to his damage in an amount to be proved..

FOURTH CLAIM
(Violation of California Civil Code §51.7 against Defendant WILLIAM ZAHORIK and Defendant JANINE ZAHORIK)

20. Plaintiff incorporates by this reference paragraphs 1, 5, 6, 7, 8, 9, 13 and 14 of this complaint.

21. On October 2, 2007, Plaintiff had a right pursuant to California Civil Code §51.7 to be free from violence and intimidation and threat of violence. On October 2, 2007 at the West Hills High School located in San Diego County, CA, Defendant WILLIAM ZAHORIK intentionally violated Plaintiff's rights under California Civil Code §51.7 when Defendant WILLIAM ZAHORIK threatened Plaintiff with violence and then inflicted violence on Plaintiff by beating Plaintiff about the head and the face because of Plaintiff's African-American race.

22. The conduct of the Defendant WILLIAM ZAHORIK alleged herein legally caused Plaintiff harm including physical injury to his face and mouth and mental injury in the form of severe mental and emotional distress including a post-traumatic stress disorder and has caused Plaintiff to incur medical expenses all to his damage in an amount to be proved. Plaintiff is informed and believes, and thereon alleges, he will incur medical expenses and experience

continued emotional distress in the future as a legal result of the Defendant's conduct alleged herein.

23. The conduct of the Defendant WILLIAM ZAHORIK alleged herein was in violation of California Civil Code §51.7 and Plaintiff claims the following items against the Defendant WILLIAM ZAHORIK pursuant to California Civil Code §52 (b) (1), (2) and (3) : exemplary damages according to proof; a civil penalty of $25,000; and attorney's fees and expenses according to proof. Plaintiff claims damage against Defendant JANINE ZAHORIK pursuant to California Civil Code §1714.1 (a) in the amount of $25,000.

24. The conduct of Defendant WILLIAM ZAHORIK alleged herein was intended to injure Plaintiff and did injure Plaintiff and was malicious and oppressive within the meaning of California Civil Code §3294 and Plaintiff seeks punitive and exemplary damages against Defendant WILLIAM ZAHORIK in an amount to be proved.

FIFTH CLAIM

(Battery against Defendant WILLIAM ZAHORIK and Defendant JANINE ZAHORIK)

25. Plaintiff incorporates herein by this reference paragraphs 1, 5, 6, 7,8, 9, 13 and 14 of this complaint.

26. On October 2, 2007 at the West Hills High School in San Diego County, CA Defendant WILLIAM ZAHORIK intentionally and without the consent of Plaintiff made harmful and offensive contact with Plaintiff's person when Defendant WILLIAM ZAHORIK hit Plaintiff about the head and face repeatedly. Defendant WILLIAM ZAHORIK intended to make harmful and offensive contact with Plaintiff's person and to injure Plaintiff when Defendant WILLIAM ZAHORIK hit Plaintiff about the head and face as alleged herein.

27. The conduct of the Defendant WILLIAM ZAHORIK alleged herein legally caused Plaintiff harm including physical injury to his face and mouth and mental injury in the form of severe mental and emotional distress including a post-traumatic stress disorder and has caused Plaintiff to incur medical expenses all to his damage in an amount to be proved. Plaintiff is informed and believes, and thereon alleges, Plaintiff will incur medical expenses in the future and suffer ongoing severe emotional distress as a legal result of the conduct of the

Defendant alleged herein all to Plaintiff's damage in an amount to be proved. Plaintiff claims damages against Defendant JANINE ZAHORIK pursuant to California Civil Code §1714.1 (a) in the amount of $25,000.

28. The conduct of Defendant WILLIAM ZAHORIK alleged herein was intended to injure Plaintiff and did injure Plaintiff and was malicious and oppressive within the meaning of California Civil Code §3294 and Plaintiff seeks punitive and exemplary damages against Defendant WILLIAM ZAHORIK in an amount to be proved.

WHEREFORE, Plaintiff prays as follows:

As to the First Claim against Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT:

1. Compensatory damages according to proof;
2. For attorney's fees and expenses according to proof;
3. For costs of suit; and
4. For such other and further relief as the court deems proper including specifically injunctive relief from this court requiring Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT to adopt an enforce measures designed to prevent Plaintiff from being denied the full benefits of the business establishment Defendant operates, including, but not limited to, Plaintiff not being subjected to any further racial intimidation and racial violence during his remaining years of high school.

As to the Second Claim against Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT:

1. Compensatory damages according to proof;
2. For an award of three times the compensatory damages awarded;
2. For attorney's fees and expenses according to proof;
3. For costs of suit; and
4. For such other and further relief as the court deems proper.

As to the Third Claim against Defendant GROSSMONT UNION HIGH SCHOOL DISTRICT:

1. Compensatory damages according to proof;
2. For costs of suit; and
3. For such other and further relief as the court deems proper.

As to the Fourth Claim as against Defendants WILLIAM ZAHORIK and JANINE ZAHORIK,

1. Compensatory damages according to proof and for an award of three times the compensatory damages awarded;
2. A civil penalty of $25,000;
3. For attorney's fees and expenses according to proof;
4. For punitive and exemplary damages according to proof
5. For costs of suit; and
6. For such other and further relief as the court deems proper

As to the Fifth Claim against Defendants WILLIAM ZAHORIK and JANINE ZAHORIK,

1. Compensatory damages according to proof;
2. For punitive and exemplary damages in an amount to be proved;
3. For costs of suit; and
4. For such other and further relief as the court deems proper.

Dated: 7/28/08

[signature]
Attorney for Plaintiff

JURY TRIAL DEMAND

Plaintiff hereby demands a jury trial in this matter.

Dated: 7/28/08

[signature]
Attorney for Plaintiff

JS 44 (Rev. 12/07)

ORIGINAL

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS JOHNAKIN C. RANDOLPH, a minor, through his guardian ad litem JOHNAKIN RANDOLPH, Jr.

DEFENDANTS GROSSMONT UNION HIGH SCHOOL DISTRICT, a public entity, WILLIAM ZAHORIK and JANINE ZAHORIK

FILED 2008 JUL 29 PM 3:36 CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA DEPUTY

(b) County of Residence of First Listed Plaintiff San Diego, CA
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant San Diego, CA
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number) Sean T. O'Bryan, 402 West Broadway, Suite 400 San Diego, CA 92101 (619) 595-4801

Attorneys (If Known)

'08 CV 1371 JLS JMA

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☒ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. section 2000d

Brief description of cause: Plaintiff was beat up at school and deprived of his civil rights because he is African-American.

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND $ according to proof CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE July 29, 2008 SIGNATURE OF ATTORNEY OF RECORD Sean T. O'Bryan

FOR OFFICE USE ONLY

RECEIPT # 153478 AMOUNT $350 APPLYING IFP JUDGE MAG. JUDGE

TAC 7/29/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

# 153478 - TC

July 29, 2008
15:33:24

Civ Fil Non-Pris
USAO #.: 08CV1371
Judge..: JANIS L. SAMMARTINO
Amount.: $350.00 CK
Check#.: BC5524

Total-> $350.00

FROM: JOHNAKIN RANDOLOPH, JR.
VS
GROSSMONT UNION HS